

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 268

Introduced by Bohlke, 33

Read first time January 11, 1999

Committee: Education

A BILL

- 1 FOR AN ACT relating to schools; to amend section 79-1601, Reissue
2 Revised Statutes of Nebraska; to change provisions
3 relating to home schools; and to repeal the original
4 section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-1601, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-1601. (1) Except as provided in subsections (2)
4 through (5) of this section, all private, denominational, and
5 parochial schools in the State of Nebraska and all teachers
6 employed or giving instruction in such schools shall be subject to
7 and governed by the provisions of the general school laws of the
8 state so far as the same apply to grades, qualifications, and
9 certification of teachers and promotion of pupils. All private,
10 denominational, and parochial schools shall have adequate equipment
11 and supplies, shall be graded the same, and shall have courses of
12 study for each grade conducted in such schools substantially the
13 same as those given in the public schools where the children
14 attending would attend in the absence of such private,
15 denominational, or parochial schools.

16 (2) All private, denominational, or parochial schools
17 shall either comply with the accreditation or approval requirements
18 prescribed in section 79-318 or, for those schools which elect not
19 to meet accreditation or approval requirements, the requirements
20 prescribed in section 79-318 and subsections (2) through (5) of
21 this section. Standards and procedures for approval and
22 accreditation shall be based upon the program of studies, guidance
23 services, the number and preparation of teachers in relation to the
24 curriculum and enrollment, instructional materials and equipment,
25 science facilities and equipment, library facilities and materials,
26 and health and safety factors in buildings and grounds. Rules and
27 regulations which govern standards and procedures for private,
28 denominational, and parochial schools which elect, pursuant to the

1 procedures prescribed in subsections (2) through (5) of this
2 section, not to meet state accreditation or approval requirements
3 shall be based upon evidence that such schools offer a program of
4 instruction leading to the acquisition of basic skills in the
5 language arts, mathematics, science, social studies, and health.
6 Such rules and regulations may include a provision for the
7 visitation of such schools and regular achievement testing of
8 students attending such schools in order to insure that such
9 schools are offering instruction in the basic skills listed in this
10 subsection. Any arrangements for visitation or testing shall be
11 made through a parent representative of each such school. The
12 results of such testing may be used as evidence that such schools
13 are offering instruction in such basic skills but shall not be used
14 to measure, compare, or evaluate the competency of students at such
15 schools.

16 (3) The provisions of subsections (3) through (5) of this
17 section shall apply to any private, denominational, or parochial
18 school in the State of Nebraska which elects not to meet state
19 accreditation or approval requirements. Elections pursuant to such
20 subsections shall be effective when a statement is received by the
21 Commissioner of Education signed by the parents or legal guardians
22 of all children attending such private, denominational, or
23 parochial school, stating that (a) either specifically (i) the
24 requirements for approval and accreditation required by law and the
25 rules and regulations adopted and promulgated by the State Board of
26 Education violate sincerely held religious beliefs of the parents
27 or legal guardians or (ii) the requirements for approval and
28 accreditation required by law and the rules and regulations adopted

1 and promulgated by the State Board of Education interfere with the
2 decisions of the parents or legal guardians in directing their
3 child's education, (b) an authorized representative of such parents
4 or legal guardians will at least annually submit to the
5 Commissioner of Education the information necessary to prove that
6 the requirements of subdivisions (i) through (iii) of this
7 subsection are satisfied, (c) the school offers the courses of
8 instruction required by subsections (2) and (3) of this section,
9 and (d) the parents or legal guardians have satisfied themselves
10 that individuals monitoring instruction at such school are
11 qualified to monitor instruction in the basic skills as required by
12 subsections (2) and (3) of this section and that such individuals
13 have demonstrated an alternative competency to monitor instruction
14 or supervise children pursuant to subsections (3) through (5) of
15 this section. Each such school shall (i) meet minimum requirements
16 relating to health, fire, and safety standards prescribed by state
17 law and the rules and regulations of the State Fire Marshal, (ii)
18 report attendance pursuant to section 79-201, ~~and~~ (iii) maintain a
19 sequential program of instruction designed to lead to basic skills
20 in the language arts, mathematics, science, social studies, and
21 health, and (iv) comply with the immunization requirements in
22 section 79-217 if the statement signed by the parents or legal
23 guardians indicate a nonreligious reason pursuant to (3)(a)(ii) of
24 this section for the student attending a private, denominational,
25 or parochial school which elects not to meet state accreditation or
26 approval requirements. The State Board of Education shall
27 establish procedures for receiving information and reports required
28 by subsections (3) through (5) of this section from authorized

1 parent representatives who may act as agents for parents or legal
2 guardians of students attending such school and for individuals
3 monitoring instruction in the basic skills required by this
4 subsection.

5 (4) Individuals employed by schools which elect not to
6 meet state accreditation or approval requirements shall not be
7 required to meet the certification requirements prescribed in
8 sections 79-801 to 79-816 but shall either (a) take appropriate
9 subject matter components of a nationally recognized teacher
10 competency examination designated by the State Board of Education
11 as (i) including the appropriate subject matter areas for purposes
12 of satisfying the requirements of subsection (3) of this section
13 and (ii) a nationally recognized examination or (b) offer evidence
14 of competence to provide instruction in the basic skills required
15 by subsection (3) of this section pursuant to informal methods of
16 evaluation which shall be developed by the State Board of
17 Education. Such evidence may include educational transcripts,
18 diplomas, and other information regarding the formal educational
19 background of such individuals. Information concerning test
20 results, transcripts, diplomas, and other evidence of formal
21 education may be transmitted to the State Department of Education
22 by authorized representatives of parents or legal guardians. The
23 results of such testing or alternative evaluation of individuals
24 who monitor the instruction of students attending such schools may
25 be used as evidence of whether or not such schools are offering
26 adequate instruction in the basic skills prescribed in subsections
27 (2) and (3) of this section but shall not be used to prohibit any
28 such school from employing such individuals. Failure of a monitor,

1 who is tested for the purpose of satisfying in whole or in part the
2 requirements of subsections (3) through (5) of this section, to
3 attain a score equal to or exceeding both the state or national
4 average score or rating on appropriate subject matter components of
5 recognized teacher competency examinations designated by the State
6 Board of Education may be by itself sufficient proof that such
7 school does not offer adequate instruction in the basic skills
8 prescribed in subsection (3) of this section.

9 (5) The demonstration of competency to monitor
10 instruction in a private, denominational, or parochial school which
11 has elected not to meet state accreditation or approval
12 requirements shall in no way constitute or be construed to grant a
13 license, permit, or certificate to teach in the State of Nebraska.
14 Any school which elects not to meet state accreditation or approval
15 requirements and does not meet the requirements of subsections (2)
16 through (5) of this section shall not be deemed a school for
17 purposes of section 79-201, and the parents or legal guardians of
18 any children attending such school shall be subject to prosecution
19 pursuant to such section or any statutes relating to habitual
20 truancy.

21 Sec. 2. Original section 79-1601, Reissue Revised
22 Statutes of Nebraska, is repealed.